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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 TERRY DOUGLAS BEMORE,

11 Petitioner,

12 vs.  
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14 ROBERT L. AYERS, JR., Warden of  
15 San Quentin State Prison,

16 Respondent.  
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CASE NO. 08cv0311 LAB (LSP)

DEATH PENALTY CASE

**ORDER SETTING DEADLINE  
FOR FILING PETITION FOR  
WRIT OF HABEAS CORPUS**

18 On March 28, 2008, the Court held a telephonic case conference with counsel for Petitioner  
19 and the Deputy Attorney General to discuss Petitioner's request for additional time for the filing of the  
20 federal petition. The Attorney General opposes the additional time sought by Petitioner in the instant  
21 case. However, the Court finds persuasive Petitioner's explanation, outlined in the Declaration of  
22 Robert R. Bryan filed on February 15, 2008, for the failure to receive notification of the state supreme  
23 court's denial of the state habeas petition until January 10, 2008. Therefore, **IT IS ORDERED** that  
24 the Petition for Writ of Habeas Corpus shall be deemed timely if filed on or before **Monday, January**  
25 **12, 2009.** Respondent may file a Motion for Reconsideration under the guidelines outlined in the  
26 Local Rules of this District and Section 4(j) of the Court's Standing Order in Civil Cases.

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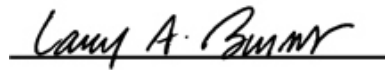
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1 The Court will also issue an ancillary order pertaining to receipt of Petitioner's anticipated  
2 waiver of any conflict arising from state habeas counsel's continued representation in federal habeas  
3 proceedings.

4 The Clerk of the Court shall serve a certified copy of this order on Petitioner Terry Bemore;  
5 Attorney Robert R. Bryan; Respondent, Robert L. Ayers, Jr., Warden of San Quentin Prison, and  
6 Garrett Beaumont, Deputy Attorney General of the State of California.

7 **IT IS SO ORDERED.**

8 DATED: March 28, 2008

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10 **HONORABLE LARRY ALAN BURNS**  
11 United States District Judge  
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